

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
Plaintiff,)
ROBERT L. GAVETT)
1115 Cypress Court)
Breinigsville, PA 18031)
Defendant.)
Case No. 02-CV-3698

**UNITED STATES OF AMERICA'S MOTION TO COMPEL
DEFENDANT ROBERT L. GAVETT TO ATTEND DEPOSITION**

The United States of America, through its attorneys, moves to compel the defendant to submit to a deposition examination under Fed. R. Civ. 30. The defendant was served a notice of deposition on December 11, 2003.

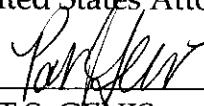
In support of its motion, the Government avers that the defendant was served with a notice of deposition on December 11, 2003 under Fed. R. Civ. P. 30. (Ex. 1, attached.) The notice of deposition stated that the deposition would be held on December 30, 2003 at 10:30 a.m. The defendant failed to attend the deposition. A copy of the transcript is attached as Ex. 2.

The Government now moves to compel the defendant to attend a scheduled deposition to proceed with the discovery process.

Dated: March 9, 2004.

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney



PAT S. GENIS
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 227
Washington, D.C. 20044
Telephone: (202) 307-6390

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

)

Plaintiff,

)

) Case No. 02-CV-3698

ROBERT L. GAVETT

1115 Cypress Court

Breinigsville, PA 18031

)

Defendant.

)

NOTICE OF DEPOSITION

TO: Robert Gavett
c/o General Delivery At
205 Roosevelt Drive
Cherry Hill, NJ 08002-1140

PLEASE TAKE NOTICE that the Internal Revenue Service, by its counsel, will take the deposition of Robert L. Gavett on **Tuesday, December 30, 2003**, at the office of Area Counsel, Internal Revenue Service, Mellon Independence Center, 701 Market Street, Suite 2200, Philadelphia, Pennsylvania 19106, upon oral examination, pursuant to the Federal Rules of Civil Procedure. Robert L. Gavett deposition will begin at **10:30 a.m.**



The foregoing deposition will be taken before some disinterested person authorized by law to administer an oath. If the deposition or examination is not commenced, or is commenced but not completed, then such deposition or examination shall be adjourned and continued until complete, without further notice other than proclamation at the place above stated.

Dated: December 11, 2003.

Pat Genis

PAT S. GENIS
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 227
Washington, D.C. 20044
Telephone: (202) 307-6390

OF COUNSEL:

PATRICK L. MEEHAN
United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

COPY

UNITED STATES OF AMERICA, : Case No. 02-CV-3698
Plaintiff :
vs. :
ROBERT L. GAVETT, :
Defendant :

PHILADELPHIA, PENNSYLVANIA
TUESDAY, DECEMBER 30, 2003

Scheduled deposition of ROBERT L. GAVETT, held at the office of Area Counsel, Internal Revenue Service, Mellon Independence Center, 701 Market Street, commencing at 10:30 a.m., on the above date, before Brenda J. Cappiello, Court Reporter and Notary Public.

COURT REPORTING ASSOCIATES
1422 CHESTNUT STREET
SUITE 512
PHILADELPHIA, PA 19102
(215) 564-0466



1 APPEARANCE:

2

3 UNITED STATES DEPARTMENT OF JUSTICE, TAX DIVISION

4 BY: PAT S. GENIS, ESQUIRE

5 P.O. Box 227

6 Ben Franklin Station

7 Washington, DC 20044

8 (202) 307-6390

9 Representing the Plaintiff

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1	<u>E X H I B I T S</u>		
2	<u>Number</u>	<u>Description</u>	<u>Page</u>
3	GAVETT-1	Notice of Deposition and	05
4		Certificate of Service,	
5		3 pages	
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1 MS. GENIS: My name is Pat
2 Genis, I'm a trial attorney with the
3 Department of Justice in this case,
4 United States versus Robert L. Gavett,
5 Case No 02-3698.

6 For the record, the United States
7 has sent a notice of deposition to Mr.
8 Gavett at his last known address, care of
9 General Delivery at 205 Roosevelt Drive,
10 Cherry Hill, New Jersey 08002-1140,
11 asking him to appear on December 30, 2003
12 at the office of Area Counsel, Internal
13 Revenue Service, Mellon Independence
14 Center, 701 Market Street, suite 2200,
15 Philadelphia, Pennsylvania. Deposition
16 to begin at 10:30 a.m.

17 It is now 10:30 a.m. and Mr. Gavett
18 has not yet appeared. We will go off the
19 record and return in 20 minutes.

20 - - -

21 (A brief intermission was taken.)

22 - - -

23 MS. GENIS: This is Pat Genis
24 in the case of United States versus

1 Robert L. Gavett 02-3698. Mr. Robert L.
2 Gavett was duly noted to come to have his
3 deposition taken on today, December 30,
4 2003 at 10:30 a.m. It is now 10:55, Mr.
5 Gavett has not appeared.

6 The deposition is concluded
7 for today. Attached to the deposition is
8 the notice, as an exhibit is, a Notice of
9 Deposition and the Certificate of Service.
10 Thank you.

11 - - -

12 (Deposition concluded.)

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14 (Exhibit Gavett-1 was marked
15 for identification.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter and that this is a correct transcript of same.

Brenda Cappiello
BRENDA J. CAPPIELLO
COURT REPORTER

LAWYERS NOTES

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
Plaintiff,)
ROBERT L. GAVETT)
1115 Cypress Court)
Breinigsville, PA 18031)
Defendant.)
Case No. 02-CV-3698

DECLARATION OF PAT S. GENIS

The undersigned hereby declares as follows:

1. My name is Pat S. Genis. I am a trial attorney with the Tax Division of the United States Department of Justice in Washington, D.C. In that position, I am responsible for representing the interests of the United States in the above-captioned case.

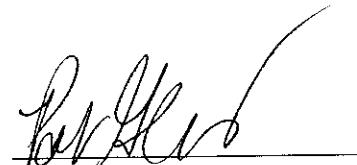
2. On December 11, 2003, the United States mailed by first-class postage paid to the defendant Robert L. Gavett a notice of deposition. The deposition was scheduled for December 30, 2003.

3. Defendant, Robert L. Gavett did not appear at the deposition on December 30, 2003.

4. As of this date, March 9, 2004, defendant Robert L. Gavett has failed to appear for a deposition as required by the Federal Rules of Civil Procedure, despite being served with a notice of deposition as described above.

I declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on March 9, 2003.



PAT S. GENIS

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
Plaintiff,)
ROBERT L. GAVETT)
1115 Cypress Court)
Breinigsville, PA 18031)
Defendant.)
Case No. 02-CV-3698

**ORDER GRANTING UNITED STATES OF AMERICA'S MOTION TO COMPEL
DEFENDANT ROBERT L. GAVETT TO ATTEND DEPOSITION**

Having considered the United States of America's MOTION TO COMPEL DEFENDANT ROBERT L. GAVETT TO ATTEND DEPOSITION, any opposition and reply thereto, and the entire record of this proceeding, it is by the Court

ORDERED that the motion is GRANTED; and it further

ORDERED that the defendant shall appear to be sworn and to testify by oral deposition pursuant to Fed. R. Civ. P. 30 on a date and at such time and place to be designated by the United States; and it is further

ORDERED that the Clerk shall distribute copies of this order to the persons listed below.

SO ORDERED this _____ day of _____, 2004.

UNITED STATES DISTRICT JUDGE

Copies to:

Pat S. Genis
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 227
Ben Franklin Station
Washington, D.C. 20044

Robert Laurence Gavett
c/o General Delivery at
205 Roosevelt Drive
Cherry Hill, New Jersey 08002-1140

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
Plaintiff,)
ROBERT L. GAVETT) Case No. 02-CV-3698
1115 Cypress Court)
Breinigsville, PA 18031)
Defendant.)

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that the foregoing UNITED STATES OF AMERICA'S
MOTION TO COMPEL DEFENDANT ROBERT L. GAVETT TO ATTEND
DEPOSITION, DECLARATION OF PAT S. GENIS and proposed ORDER was caused to
be served this 9th day of March, 2004, by depositing a true and correct copy thereof in
the United States mail, postage prepaid, addressed as follows:

Robert Gavett
c/o General Delivery At
205 Roosevelt Drive
Cherry Hill, NJ 08002-1140

Pat S. Genis